

COURT OF CRIMINAL APPEALS NO.

CR-02-0739

Appeal To Alabama Court of Criminal Appeals

FROM

Circuit Court of Russell County, Alabama

CIRCUIT COURT NO. CC-02-186-188

CIRCUIT JUDGE HONORABLE GEORGE R. GREENE

Type of Conviction/ Order Appealed From: TRAFFICKING METH, POSS OF REC CONT SUBS, RESISTING ARREST

Sentence Imposed: 35 YRS CONCUR, 5 YRS CONCUR, 6 MTHS CONSEC

Defendant Indigent: ☐ YES ☒ NO

JERRY E. WHITLEY

Name of Appellant

ATTY MICHAEL J WILLIAMS SR (205)-705-0200

(Appellant's Attorney)

(Telephone No.)

P.O. BOX 1068

(Address)

AUBURN, AL 36831

(City)

(State)

(Zip Code)

V.

STATE OF ALABAMA

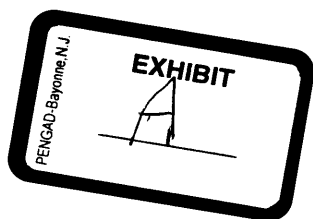
Name of Appellee

(State represented by Attorney General)

NOTE: If municipal appeal, indicate above, and enter

name and address of municipal attorney below.

(For Court of Criminal Appeals Use Only)



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ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000186.00
 OPER: TIW CASE ACTION SUMMARY
 PAGE: 1 CIRCUIT CRIMINAL PUN DATE: 06/05/2003
 =====
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE
 312003
 CASE: CC 2002 000186.00 VENTRESS
 CLAYTON, AL 00000 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

CHARGE01: TRAFFICKING-METHAMPH CODE01: TRAK LIT: TRAFFICKING-ME TYP: F #: 001
 OFFENSE DATE: 09/21/2001 AGENCY/OFFICER: 0570000

DATE WAR/CAP ISS: 09/04/2002 DATE ARRESTED: 09/21/2001
 DATE INDICTED: 01/16/2002 DATE FILED: 01/23/2002
 DATE RELEASED: DATE HEARING:
 BOND AMOUNT: \$250,000.00 SURETIES:

DATE 1: 01/14/2003 DESC: SENT TIME: 1000 A
 DATE 2: 12/02/2002 DESC: JTRL TIME: 0900 A

TRACKING NOS: GJ 2001 000285 00 / DC 2001 002355 00 / WR 2001 003010 00

DEF/ATY: FARRAR LAUREL WHEELING TYPE: A TYPE:
 PO DRAWER 2500

PHENIX CITY AL 36868 00000

PROSECUTOR: LANDREAU BUSTER

OTH CSE: GJ200100028500 CHK/TICKET NO: GRAND JURY: 166
 COURT REPORTER: SID NO: 000000000
 DEF STATUS: PRISON DEMAND: OPER: TIW

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
01/23/2002	SET FOR: ARRAIGNMENT ON 02/20/2002 AT 1000A (AR01)	JOS
02/20/2002	***ARRAIGNMENT ORDER***	JOS
02/20/2002	ORDER APPOINTING THE HON. LAUREL FARRAR, DEFENDANT	JOS
02/20/2002	WAIVES READING OF INDICTMENT AND ENTERS	JOS
02/20/2002	A PLEA OF NOT GUILTY.	JOS
02/20/2002	SET FOR: JURY TRIAL ON 05/13/2002 AT 0900A (AR10)	JOS
02/20/2002	AFFIDAVIT OF SUBSTANTIAL HARDSHIP	JOS
02/22/2002	MOTION FOR APPROVAL OF EXPENSES	JOS
02/22/2002	REQUEST FOR DISCOVERY	JOS
02/26/2002	ORDER ON DEFENDANT'S REQUEST FOR DISCOVERY	JOS
02/27/2002	MOTION FOR CONSOLIDATION OF OFFENSES	JOS
02/27/2002	MOTION FOR DISCOVERY BY STATE	JOS
02/27/2002	NOTICE OF COMPLIANCE WITH DISCOVERY REQUEST	JOS
02/28/2002	ORDER ON MOTION FOR DISCOVERY BY STATE	JOS
03/01/2002	MOTION FOR APPROVAL OF EXPENSES GRANTED	JOS
03/04/2002	MOTION FOR REDUCTION OF BOND	JOS
03/05/2002	WRITTEN PLEA OF NOT GUILTY AND WAIVER OF	JOS

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ACPO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000186.00
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 PAGE: 2 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
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DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
03/05/2002	ARRAIGNMENT	JOS
03/06/2002	MOTION FOR REDUCTION OF BOND DENIED	JOS
03/13/2002	PETITION FOR WRIT OF HABEAS CORPUS (BOND REDUCED)	JOS
03/15/2002	CASE SET ON 04/23/2002	JOS
03/15/2002	NOTICE FLAG SET TO: N	JOS
03/18/2002	ORDER FROM THE COURT OF CRIMINAL APPEALS THAT THE	JOS
03/18/2002	RESPONDENT IS GRANTED 14 DAYS TO RESPOND TO	JOS
03/18/2002	THE ALLEGATIONS CONTAINED IN THIS PETITION FOR	JOS
03/18/2002	THE WRIT OF HABEAS CORPUS	JOS
03/27/2002	ORDER REDUCING BOND TO \$60,000.00.	JOS
04/09/2002	SET FOR: JURY TRIAL ON 05/13/2002 AT 0900A (AR10)	JOS
04/10/2002	ORDER OF DISMISSAL OF WRIT OF HABEAS CORPUS FROM	JOS
04/10/2002	THE COURT OF CRIMINAL APPEALS	JOS
04/15/2002	(4/9/02) ORDER CONTINUING CASE TO THE MAY 13,	JOS
04/15/2002	2002, TRIAL DOCKET.	JOS
04/19/2002	ADDR1 CHANGED FROM: R.C. JAIL (AR01)	JOS
04/19/2002	STATUS CHANGED TO: "B" - BOND (AR01)	JOS
04/19/2002	HOME CITY CHANGED FROM: PHENIX CITY (AR01)	JOS
04/19/2002	SURETY ADDED: AAA BONDING CO. (AR01)	JOS
04/19/2002	DEFENDANT RELEASED FROM JAIL: 04/16/2002 (AR01)	JOS
04/30/2002	SET FOR: JURY TRIAL ON 06/24/2002 AT 0900A (AR10)	JOS
05/22/2002	WITNESS SUBPOENA ISSUED AWP24	JOS
05/23/2002	MOTION FOR JOINDER OF DEFENDANTS FOR TRIAL	JOS
05/24/2002	OBJECTION TO CONSOLIDATION	JOS
06/13/2002	MOTION TO SUPPRESS ARREST AND EVIDENCE AND	JOS
06/13/2002	SEARCH WARRANT	JOS
06/13/2002	MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES	JOS
06/13/2002	MOTION TO PERMIT INDEPENDENT ANALYSIS	JOS
06/19/2002	SET FOR: HEARING ON 06/20/2002 AT 1000A (AR10)	DEB
06/19/2002	PARTY ADDED W005 CINDY BAKER (AW21)	DEB
06/19/2002	PARTY ADDED W006 CAROLYN MARTIN (AW21)	DEB

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ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000186.00
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DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

06/19/2002	WITNESS SUBPOENA ISSUED TO W005 CINDY BAKER (AW21)	DEB
06/19/2002	WITNESS SUBPOENA ISSUED TO W006 CAROLYN MARTIN	DEB
06/19/2002	MOTION TO CONTINUE	JOS
06/19/2002	MOTION TO EXCLUDE LABORATORY REPORT	JOS
06/19/2002	MOTION FOR FURTHER ANALYSIS OF ALLEGED CONTROLLED	JOS
06/19/2002	SUBSTANCE	JOS
06/20/2002	SET FOR: JURY TRIAL ON 08/05/2002 AT 0900A (AR10)	JOS
06/21/2002	MOTION FOR RECONSIDERATION OF DEFENDANT'S MOTION	JOS
06/21/2002	FOR APPROVAL OF EXTRAORDINARY EXPENSES	JOS
06/21/2002	(6/19/02) ORDER CONTINUING TRIAL TO AUGUST 5, 2002	JOS
06/21/2002	MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES	JOS
06/21/2002	DENIED	JOS
06/25/2002	MOTION FOR RECONSIDERATION OF DEFENDANT'S MOTION	JOS
06/25/2002	FOR APPROVAL OF EXTRAORDINARY EXPENSES DENIED	JOS
07/11/2002	WITNESS SUBPOENA ISSUED AWP24	JOS
07/19/2002	PARTY W005 ADD1 CHANGED FROM: LOT 24 RUSK DRIVE	JOS
07/29/2002	SUPPLEMENTAL INFORMATION IN SUPPORT OF DEFEN-	JOS
07/29/2002	DANT'S MOTION FOR RECONSIDERATION OF DEFEN-	JOS
07/29/2002	DANT'S MOTION FOR APPROVAL OF EXTRAORDINARY	JOS
07/29/2002	EXPENSES PURSUANT TO MAY V. STATE	JOS
08/05/2002	(7/29/02) ORDER CONTINUING CASE TO SEPTEMBER 16,	JOS
08/05/2002	2002, TRIAL DOCKET. HEARING ON MOTION TO	JOS
08/05/2002	SUPPRESS SET FOR AUGUST 26, 2002, AT 2:00 PM	JOS
08/05/2002	MOTION TO CONSOLIDATE GRANTED	JOS
08/05/2002	SET FOR: JURY TRIAL ON 09/16/2002 AT 0900A (AR10)	JOS
08/05/2002	SET FOR: MOTION TO SUPPRESS ON 08/26/2002 AT 0200P	JOS
08/07/2002	ORDER APPROVING EXTRAORDINARY EXPENSES	JOS
08/08/2002	PARTY ADDED W007 AGENT PRICE (AW21)	JOS
08/08/2002	WITNESS SUBPOENA ISSUED TO W001 AGENT JASON WHITTE	JOS
08/08/2002	WITNESS SUBPOENA ISSUED TO W007 AGENT PRICE (AW21)	JOS
08/09/2002	ORDER FOR TRANSPORT OF SAMPLES FOR INDEPENDENT	JOS
08/09/2002	ANALYSIS	JOS

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ACPO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000186.00
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 CLAYTON, AL 00000 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

08/15/2002	MOTION TO AMEND ORDER	JOS
08/16/2002	OBJECTION TO MOTION TO AMEND ORDER	JQS
08/20/2002	(7/29/02) MOTION TO CONSOLIDATE GRANTED	JOS
08/22/2002	WITNESS SUBPOENA ISSUED (AW25)	JOS
08/22/2002	WITNESS SUBPOENA ISSUED (AW25)	JOS
08/22/2002	WITNESS SUBPOENA ISSUED (AW25)	JOS
08/23/2002	MOTION TO TRANSPORT (STEVEN MOSESSES-LEE CO.)	JOS
08/23/2002	DEFENDANT'S MOTION IN LIMINE	JOS
08/23/2002	STEVE MOSESON RETURNED TO RUSSELL CO. JAIL	JOS
08/23/2002	PARTY ADDED W008 STEVEN MOSESON (AW21)	JOS
08/23/2002	PARTY ADDED W009 WAYNE MEADOWS (AW21)	JOS
08/23/2002	WITNESS SUBPOENA ISSUED TO W008 STEVEN MOSESON	JOS
08/23/2002	WITNESS SUBPOENA ISSUED TO W009 WAYNE MEADOWS	JOS
08/23/2002	PARTY ADDED W010 CAYLENE WHITE (AW21)	JOS
08/23/2002	PARTY W010 ISSUED DATE: 08232002 TYPE: (AW21)	JOS
08/23/2002	WITNESS SUBPOENA ISSUED TO W010 CAYLENE WHITE	JOS
08/23/2002	ORDER FOR THE RUSSELL COUNTY SHERIFF TO TRANSPORT	JOS
08/23/2002	STEVEN MOSESON FROM LEE COUNTY JAIL TO APPEAR	JOS
08/23/2002	IN COURTROOM I AT 2:00 P.M. ON AUGUST 26, 2002.	JOS
08/23/2002	NOTICE OF INTENT TO SEEK SENTENCING ENHANCEMENTS	JOS
08/28/2002	DEFENDANT'S SECOND MOTION TO CONTINUE	JOS
08/28/2002	MOTION TO SUPPRESS DENIED	JOS
08/28/2002	PARTY W006 ADD1 CHANGED FROM: 2405 SPORTSMAN DRIVE	JOS
08/28/2002	PARTY W006 ADD2 CHANGED FROM: LOT 27 RUSK DRIVE	JOS
08/28/2002	PARTY W005 ADD1 CHANGED FROM: 22 WILL AVENUE LOT 1	JOS
09/04/2002	ALIAS WARRANT ISSUED: 09/04/2002 (AR08)	JOS
09/04/2002	ALIAS WRIT EXECUTED BY PLACING DEFENDANT IN JAIL	JOS
09/04/2002	MOTION TO SET ASIDE WRIT OF ARREST AND WITHDRAW	JOS
09/04/2002	REVOCATION OF BOND	JOS
09/05/2002	AMENDMENT TO MOTION TO SET ASIDE WRIT OF ARREST	JOS
09/05/2002	AND WITHDRAW REVOCATION OF BOND	JOS
09/05/2002	WITNESS SUBPOENA ISSUED AWP24	JOS

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000186.00
 OREP: TIW CASE ACTION SUMMARY
 PAGE: 5 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
 =====
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE
 312003
 CASE: CC 2002 000186.00 VENTRESS
 CLAYTON, AL 00000 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

09/13/2002	(9/04/02) UPON FAILURE OF DEFENDANT TO APPEAR IN	JOS
09/13/2002	COURT, PRELIMINARY FORFEITURE AND ALIAS	JOS
09/13/2002	ORDERED. ORIGINAL BOND AMOUNTS REINSTATED,	JOS
09/13/2002	CASE CONTINUED TO THE OCTOBER 28, 2002, TRIAL	JOS
09/13/2002	DOCKET.	JOS
09/16/2002	SET FOR: JURY TRIAL ON 10/28/2002 AT 0900A (AR10)	JOS
09/19/2002	PETITION FOR WRIT OF HABEAS CORPUS	JOS
09/23/2002	MOTION TO COMPEL COMPLIANCE WITH THE COURT'S	JOS
09/23/2002	ORDER FOR TRANSPORT OF SAMPLES FOR INDEPENDENT	JOS
09/23/2002	ANALYSIS	JOS
09/26/2002	RESPONSE TO MOTION TO COMPEL	JOS
10/01/2002	REPLY TO RESPONSE TO MOTION TO COMPEL	JOS
10/09/2002	WITNESS SUBPOENA ISSUED AWP24	JOS
10/09/2002	ORDER SETTING HEARING ON MOTION TO SET ASIDE WRIT	JOS
10/09/2002	OF ARREST AND WITHDRAW REVOCATION OF BOND AND	JOS
10/09/2002	MOTION IN LIMINE FOR OCTOBER 23, 2002, AT	JOS
10/09/2002	3:00 P.M.	JOS
10/09/2002	SET FOR: HEARING ON 10/23/2002 AT 0300P (AR10)	JOS
10/09/2002	ORDER THAT THE REQUESTED SAMPLES ARE TO BE TURNED	JOS
10/09/2002	OVER TO DEFENSE COUNSEL TO SHIP FOR ANALYSIS	JOS
10/10/2002	MOTION TO COMPEL DENIED	JOS
10/10/2002	ORDER SETTING HEARING ON WRIT OF HABEAS CORPUS	JOS
10/10/2002	FOR OCTOBER 23, 2002, AT 3:00 P.M.	JOS
10/11/2002	MOTION TO CONTINUE	JOS
10/16/2002	SET FOR: JURY TRIAL ON 12/02/2002 AT 0900A (AR10)	JOS
10/17/2002	ORDER CONTINUING TRIAL TO DECEMBER 2, 2002,	JOS
10/17/2002	MOTIONS HEARING SET FOR OCTOBER 23, 2002, AT	JOS
10/17/2002	3:00 P.M.	JOS
10/24/2002	(10/23/02) MOTION TO REDUCE BOND DENIED. MOTION	JOS
10/24/2002	IN LIMINE GRANTED AS TO PHOTOGRAPHS OF CO-	JOS
10/24/2002	DEFENDANTS AND DENIED AS TO VIDEOTAPE INVOLVING	JOS
10/24/2002	DEFENDANTS AND CO-DEFENDANTS. THE COURT	JOS

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ACPO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000186.00
 OPER: TIW CASE ACTION SUMMARY
 PAGE: 6 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
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 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE
 312003
 CASE: CC 2002 000186.00 VENTRESS
 CLAYTON, AL 00000 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

10/24/2002	PESEPVES RULING ON MOTION IN LIMINE AS TO	JOS
10/24/2002	SINGLE PHOTOGRAPH OF DEFENDANT.	JOS
10/24/2002	COPY OF PETITION FOR WRIT OF HABEAS CORPUS FILED	JOS
10/24/2002	WITH THE COURT OF CRIMINAL APPEALS	JOS
10/25/2002	PETITION FOR WRIT OF HABEAS CORPUS DENIED (BY GRG)	JOS
11/01/2002	PARTY W010 ADD1 CHANGED FROM: RT 6 BOX 410 (AW21)	JOS
11/04/2002	COPY OF ORDER OF DENIAL OF WRIT OF HABEAS CORPUS	JOS
11/20/2002	WITNESS SUBPOENA ISSUED AWP24	JOS
11/22/2002	PARTY ADDED W011 STEVEN MOSESON (AW21)	JOS
11/22/2002	PARTY W011 ISSUED DATE: 11202002 TYPE: (AW21)	JOS
11/22/2002	PARTY ADDED W012 WAYNE MEADOWS (AW21)	JOS
11/22/2002	WITNESS SUBPOENA ISSUED TO W011 STEVEN MOSESON	JOS
11/22/2002	WITNESS SUBPOENA ISSUED TO W012 WAYNE MEADOWS	JOS
12/03/2002	DEFENDANT'S MOTION TO CONTINUE	JOS
12/03/2002	MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES	JOS
12/04/2002	MOTION IN LIMINE	JOS
12/04/2002	RESPONSE TO MOTION FOR CONTINUANCE AND MOTION FOR	JOS
12/04/2002	EXPENSES	JOS
12/04/2002	MOTION TO CONTINUE DENIED	JOS
12/04/2002	MOTION FOR APPROVAL OF COURT REPORTER EXPENSES	JOS
12/05/2002	STATE'S REQUEST JURY CHARGE #1	JOS
12/05/2002	STATE'S REQUEST JURY CHARGE #2	JOS
12/05/2002	STATE'S REQUEST JURY CHARGE #3	JOS
12/05/2002	STATE'S REQUEST JURY CHARGE #4	JOS
12/05/2002	STATE'S REQUEST JURY CHARGE #5	JOS
12/05/2002	DEFENDANT'S REQUESTED JURY CHARGE #1 CONTRUCTIVE	JOS
12/05/2002	POSSESSION	JOS
12/05/2002	DEFENDANT'S REQUESTED JURY CHARGE #2 ELEMENTS	JOS
12/05/2002	OF CONTRUCTIVE POSSESSION	JOS
12/05/2002	DEFENDANT'S REQUESTED JURY CHARGE #3 REQUIREMENT	JOS
12/05/2002	OF PROOF OF POSSESSION	JOS
12/05/2002	***GUILTY VERDICT***	JOS

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ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000186.00
 OPER: TIW CASE ACTION SUMMARY
 PAGE: 7 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
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 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE
 312003
 CASE: CC 2002 000186.00 VENTRESS
 CLAYTON, AL 00000 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

12/05/2002	***VERDICT***	JOS
12/05/2002	NOW COMES THE JURY AND RETURNS ITS UNANIMOUS	JOS
12/05/2002	VERDICT AS FOLLOWS: "WE, THE JURY, FIND THE	JOS
12/05/2002	DEFENDANT, JERRY E. WHITLEY, GUILTY OF THE	JOS
12/05/2002	OFFENSE OF TRAFFICKING IN METHAMPHETAMINE, AS	JOS
12/05/2002	CHARGED IN THE INDICTMENT. THE JURY ALSO FOUND	JOS
12/05/2002	FROM THE EVIDENCE THAT THE DEFENDANT, JERRY E.	JOS
12/05/2002	WHITLEY DID POSSESS A FIREARM DURING THE COMMI-	JOS
12/05/2002	SSION OF THE CRIME OT TRAFFICKING IN METHAMPHE-	JOS
12/05/2002	TAMINE. DATE: DECEMBER 5, 2002, NICOLE GIBBS,	JOS
12/05/2002	FOREPERSON. THE DEFENDANT IS REMANDED TO THE	JOS
12/05/2002	CUSTODY OF THE SHERIFF, SENTENCING SET FOR	JOS
12/05/2002	JANUARY 14, 2003, AT 10:00 A.M.	JOS
12/09/2002	MOTION FOR APPROVAL OF EXPENSES APPROVED OF THE	JOS
12/09/2002	SUM OF \$400.00	JOS
12/09/2002	MOTION IN LIMINE DENIED IN PART AND GRANTED IN	JOS
12/09/2002	PART IN OPEN COURT	JOS
12/09/2002	MOTION OF EXTRAORDINARY EXPENSES DENIED	JOS
01/10/2003	CONVICTION REPORT TO BOARD OF REGISTRARS	JOS
01/14/2003	***SENTENCING ORDER***	JOS
01/14/2003	ORDER SENTENCING DEFENDANT TO 35 YEARS TO THE DEPT	JOS
01/14/2003	OF CORRECTIONS, CREDIT FOR TIME SERVED, COSTS,	JOS
01/14/2003	\$50,000.00 FINE, \$500.00 VCF, \$100.00 FORENSIC	JOS
01/14/2003	SERVICES TRUST FUND, \$1,000.00 DEMAND REDUCTION	JOS
01/14/2003	ASSESSMENT ACCOUNT, ATTORNEY'S FEES, SUBSTANCE	JOS
01/14/2003	ABUSE PROGRAM AND DRIVER'S LICENSE SUSPENDED	JOS
01/14/2003	6 MONTHS. THE DEMAND REDUCTION ASSESSMENT	JOS
01/14/2003	ACCOUNT WILL BE SUSPENDED UPON THE DEFENDANT'S	JOS
01/14/2003	AGREEMENT TO ENROLL IN A REHABILITATION PROGRAM	JOS
01/14/2003	AND PAYMENT OF SAME. THE PAYMENT OF MONIES	JOS
01/14/2003	SHALL BE A CONDITION OF PAROLE, EARLY RELEASE,	JOS
01/14/2003	SIR OR WORK RELEASE.	JOS

ACPO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000186.00
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 PAGE: 8 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
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 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE
 312003
 CASE: CC 2002 000186.00 VENTRESS
 CLAYTON, AL 00000 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

01/14/2003	*****ORAL NOTICE OF APPEAL*****	JOS
01/14/2003	NOTICE OF APPEAL AND MOTION TO APPOINT APPELLATE	JOS
01/14/2003	COUNSEL	JOS
01/14/2003	CASE APPEALED ON: 01/14/2003 (AR10)	JOS
01/14/2003	APPEAL "TO" TYPE: "O" (AR10)	JOS
01/16/2003	TRANSCRIPT OF RECORD ISSUED: 01/16/2003 (AR08)	JOS
01/16/2003	CASE ACTION SUMMARY PRINTED (AR08)	JOS
01/17/2003	APPEAL DATE CHANGED FROM: 00/00/0000 (AR11)	TIW
01/17/2003	ATTY 1 TYPE CHANGED FROM: (AR11)	TIW
01/17/2003	IRA TYPE CHANGED FROM: (AR11)	TIW
01/17/2003	ATYW TYPE CHANGED FROM: (AR11)	TIW
01/17/2003	APPEAL TYPE CHANGED FROM: (AR11)	TIW
01/17/2003	PROSECUTOR CHANGED FROM: (AR11)	TIW
01/17/2003	INDTRL TYPE CHANGED FROM: (AR11)	TIW
01/17/2003	ATTY 1 CHANGED FROM: (AR11)	TIW
01/17/2003	COURT REPORTER 1 CHANGED FROM: (AR11)	TIW
01/17/2003	APPEAL TYPE CHANGED FROM: O (AR11)	SHG
01/17/2003	IRA TYPE CHANGED FROM: Y (AR11)	SHG
01/20/2003	MOTION TO WITHDRAW TRIAL COUNSEL AND APPOINT	SHG
01/20/2003	COUNSEL ON APPEAL	SHG
01/20/2003	MOTION FOR DESIGNATION OF INDIGENCY TO PROCEED ON	SHG
01/20/2003	APPEAL IN FORMA PAUPERIS	SHG
01/20/2003	CHECK OUT TO GRG	SHG
01/21/2003	MOTION CODE 1 CHANGED FROM: (AR11)	SHG
01/21/2003	MOTION FILE DATE 1 CHANGED FROM: 00/00/0000 (AR11)	SHG
01/22/2003	TRANSCRIPT OF RECORD ISSUED: 01/22/2003 (AR08)	JOS
01/22/2003	CASE ACTION SUMMARY PRINTED (AR08)	JOS
01/23/2003	DOCKETING STATEMENT	SHG
01/23/2003	REPORTER'S TRANSCRIPT ORDER	SHG
01/24/2003	AFFIDAVIT OF SUBSTANTIAL HARDSHIP	SHG
01/27/2003	CHECK OUT TO GRG W/COPY	SHG
02/18/2003	NOTICE OF APPEARANCE BY HON MICHAEL WILLIAMS, SR	TIW

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000186.00
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 PAGE: 9 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
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 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE
 312003
 CASE: CC 2002 000186.00 VENTRESS
 CLAYTON, AL 00000 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

02/18/2003	REPORTER'S TRANSCRIPT ORDER	TIW
02/24/2003	MOTION ACTION 1 CHANGED FROM: (AR11)	SHG
02/24/2003	ATTY 1 CHANGED FROM: FAP036 (AR11)	SHG
02/24/2003	MOTION ACTION DATE 1 CHANGED FROM: 00/00/0000	SHG
02/24/2003	ATYW TYPE CHANGED FROM: N (AR11)	TIW
02/24/2003	IRA TYPE CHANGED FROM: N (AR11)	TIW
02/24/2003	ORDER DESIGNATING INDEGENCY TO PROCEED ON APPEAL	TIW
02/24/2003	IN FORMA PAUPERIS	TIW
02/24/2003	ORDER GRANTING MOTION TO WITHDRAW AND APPOINTING	TIW
02/24/2003	COUNSEL ON APPEAL	TIW
02/27/2003	ORDER RECALLING DEFENDANT'S MOTION TO PROCEED ON	TIW
02/27/2003	APPEAL IN FORMA PAUPERIS AND APPOINTMENT OF	TIW
02/27/2003	ATTORNEY	TIW
02/28/2003	IRA TYPE CHANGED FROM: Y (AR11)	TIW
02/28/2003	ATTY 1 CHANGED FROM: FLO017 (AR11)	TIW
02/28/2003	ATTY 1 TYPE CHANGED FROM: A (AR11)	TIW
02/28/2003	TRANSMITTAL NOTICE SENT TO DEF ATTY 1 (AR09)	TIW
03/11/2003	MOTION FOR LOCAL EXTENSION OF TIME TO COMPLETE THE	TIW
03/11/2003	REPORTER'S TRANSCRIPT	TIW
03/11/2003	ATTORNEY'S FEES (\$10,538.64)	JOS
03/13/2003	ORDER GRANTING ADDITIONAL TIME FOR COMPLETION OF	TIW
03/13/2003	REPORTER'S TRANSCRIPT	TIW
04/08/2003	MOTION TO COURT OF CRIMINAL APPEALS FOR EXTENSION	TIW
04/08/2003	OF TIME TO FILE TRANSCRIPT	TIW
04/10/2003	ORDER GRANTING EXTENSION OF TIME TO FILE	TIW
04/10/2003	REPORTER'S TRANSCRIPT	TIW
04/14/2003	PAYMENT DELINQUENT NOTICE MAILED ON 04/15/2003	AOC
04/17/2003	ADDR1 CHANGED FROM: 150 REYNOLDS ROAD (AR01)	JOS
04/17/2003	STATUS CHANGED TO: "P" - PRISON (AR01)	JOS
04/17/2003	HOME CITY CHANGED FROM: FORTSON (AR01)	JOS
04/17/2003	ADDR1 CHANGED FROM: VENTRESS (AR01)	JOS
05/05/2003	MOTION TO COURT OF CRIMINAL APPEALS FOR EXTENSION	TIW

CITY OF SL0105214

VS

WHITLEY JERRY EUGENE

312003

VENTRESS

CLAYTON, AL 00000 0000

| 05/05/2003 | OF TIME TO FILE TRANSCRIPT | TIW

TIW

05/07/2003 | ORDER GRANTING MOTION FOR EXTENSION OF TIME TO | TIW

TIW

05/07/2003 | FILE TRANSCRIPT

TIW

05/07/2003	AMENDED ATTORNEY'S FEES (\$5,717.87)	JOS
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JOS

06/05/2003	CERTIFICATE OF COMPLETION AND TRANSMITTAL OF	TIW
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TIW

06/05/2003	RECORD ON APPEAL BY TRIAL CLERK	TIW
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TIW

06/05/2003 | CASE ACTION SUMMARY PRINTED (AR08) TIW

(AR08)

TIW

1 ORI # 0570000		2 AGENCY NAME METRO		3 CASE # SL0105214		4 SFX	
5 LAST, FIRST, MIDDLE NAME Whitley, Jerry Eugene				6 ALIAS AKA			
7 SEX M	8 RACE W	9 HGT. 5'6	10 WGT. 145	11 EYE BRO	12 HAIR BRO	13 SKIN	14 SCARS
15 PLACE OF BIRTH (CITY, COUNTY, STATE) Columbia, GA		16 SSN 2159-1171-171161		17 DATE OF BIRTH 09/20/65		18 AGE 35	19 MISCELLANEOUS ID #
20 SID #		21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCOV SUB-SECONDARY FINAL		22 DL # 021391837		23 ST GA	
24 FBI #		25 IDENTIFICATION COMMENTS		26 RESIDENCE PHONE		27 OCCUPATION (BE SPECIFIC)	
28 RESIDENT <input checked="" type="checkbox"/> NON-RESIDENT		29 HOME ADDRESS (STREET, CITY, STATE, ZIP) Rusk Dr. Phenix City, AL		30 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)		31 BUSINESS PHONE	
32 EMPLOYER (NAME OF COMPANY/SCHOOL) None		33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) Rusk Dr. Phenix City, AL		34 SECTOR #		35 ARRESTED FOR YOUR JURISDICTION? <input type="checkbox"/> YES <input type="checkbox"/> NO	
36 CONDITION OF <input checked="" type="checkbox"/> DRUNK <input type="checkbox"/> SOBER		37 RESIST ARREST? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		38 INJURIES? <input checked="" type="checkbox"/> NONE		39 ARMED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
40 DESCRIPTION OF WEAPON <input type="checkbox"/> HANDGUN <input type="checkbox"/> RIFLE <input type="checkbox"/> SHOTGUN		41 DATE OF ARREST 09/21/01 17:30		42 TIME OF ARREST 1 AM <input checked="" type="checkbox"/> 2 PM		43 DAY OF ARREST S M T W T F S	
44 CHARGE-1 <input checked="" type="checkbox"/> FEL <input type="checkbox"/> MISD Possession of a Controlled Substance		45 UCR CODE 3599		46 CHARGE-2 <input type="checkbox"/> FEL <input type="checkbox"/> MISD Manufacturing a Controlled Substance		47 UCR CODE 2599	
48 STATE CODE/LOCAL ORDINANCE 13A-12-212		49 DATE ISSUED M D Y		50 STATE CODE/LOCAL ORDINANCE 13A-12-211		51 DATE ISSUED M D Y	
52 CHARGE-3 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD Resisting arrest		53 UCR CODE 4801		54 STATE CODE/LOCAL ORDINANCE 13A-10-41		55 DATE ISSUED M D Y	
56 ARREST DISPOSITION <input type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> RELEASED		57 IF OUT ON RELEASE WHAT TYPE?		58 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)		59 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)	
60 VYR		61 VMA		62 VMO		63 VST	
64 VCO TOP		65 VCO BOTTOM		66 TAG #		67 LIS	
68 VIN		69 IMPOUNDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		70 STORAGE LOCATION/IMPOUND #		71 LIY	
72 OTHER EVIDENCE SEIZED/PROPERTY SEIZED		73 RELEASED TO		74 JUVENILE DISPOSITION: <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT <input type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY		75 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)	
76 PARENTS EMPLOYER		77 OCCUPATION		78 ADDRESS (STREET, CITY, STATE, ZIP)		79 PHONE	
80 DATE AND TIME OF RELEASE 09/21/01 18:30		81 RELEASING OFFICER NAME J91		82 AGENCY/DIVISION		83 ID #	
84 RELEASED TO: Russell Co. S.O.		85 AGENCY/DIVISION		86 AGENCY ADDRESS		87 PROPERTY #	
88 PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL		89 PROPERTY NOT RELEASED/HELD AT:		90 PROPERTY #		91 ID #	
92 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE) Subject was arrested for poss. of Meth, Manufacturing and Resisting arrest. Meth - 7 grams, \$700.00 Street Value: Meth LAB		93 SIGNATURE OF RECEIVING OFFICER J. Whitten		94 SIGNATURE OF RELEASING OFFICER 272 Sgt. Price		95 ID #	
96 MULTIPLE CASES CLOSED		97 CASE #		98 SFX		99 CASE #	
100 ARRESTING OFFICER (LAST, FIRST, M.) J. Whitten		101 ID #		102 ARRESTING OFFICER (LAST, FIRST, M.) 272 Sgt. Price		103 ID #	
104 SUPERVISOR		105 ID #		106 SUPERVISOR		107 ID #	

TYPE OR PRINT IN BLACK INK ONLY

ACJIC-34 REV.

000012

A TRUE BILL, presented to the judge Presiding in open Court by the Foreperson of this Grand Jury, and filed in open court this 16th day of Jan, 2002.

Greg Johnson
Grand Jury Foreman

Kathy Coulter
Clerk of the Circuit Court
of Russell County
Twenty-Sixth Judicial Circuit

CC-02-186

INDICTMENT
THE STATE OF ALABAMA

vs.

JERRY E. WHITLEY
SID: AL01228937

alias
None Reported

CHARGES:

SECTION

1. TRAFFICKING METHAMPHETAMINE

Bail fixed at \$ 250,000 this 16 day of Jan, 2002.

[Signature]

Judge Presiding

THE STATE OF ALABAMA
RUSSELL COUNTY

119

CIRCUIT COURT
2002

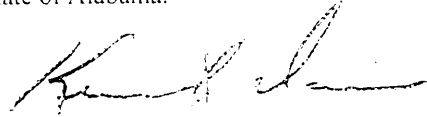
Prosecutor: BUSTER LANDREAU

KENNETH DAVIS
DISTRICT ATTORNEY
TWENTY-SIXTH JUDICIAL

THE STATE OF ALABAMA, RUSSELL COUNTY
CIRCUIT COURT - TWENTY-SIXTH JUDICIAL CIRCUIT

COUNT 1

The Grand Jury of said county charge that, before the finding of this indictment, JERRY E. WHITLEY, whose name is otherwise unknown to the Grand Jury, did on or about the 21st day of SEPTEMBER, 2001, knowingly sell, deliver or bring into the State of Alabama, or was knowingly in actual or constructive possession of 28 grams or more of methamphetamine or any mixture containing methamphetamine, in violation of 13A-12-231 of the Code of Alabama 1975, as amended, and against the peace and dignity of the State of Alabama.



KENNETH DAVIS
District Attorney
Twenty-Sixth Judicial Circuit

WITNESSES:

SHERWIN BOSWELL., P. O. BOX 3510, AUBURN, AL 36831
AGENT MEMMO, METRO NARCOTICS, P.O. BOX 1866, COLUMBUS, GA 31902
AGENT R. SPEAR, METRO, COLUMBUS, GA 31901
AGENT JASON WHITTEN, METRO NARCOTICS TASK FORCE, P.O. BOX 1866, COLUMBUS, GA 31902

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA: CC-02-186
AN INDICTMENT HAS BEEN RETURNED BY THE GRAND JURY OF RUSSELL COUNTY
AGAINST WHITLEY JERRY EUGENE
R.C. JAIL

PHENIX CITY AL 36867-0000

CHARGING THE OFFENSE OF:

TRAFFICKING-METHAMPH 13A-012-231(11) CNTS: 1

YOU ARE THEREFORE ORDERED TO ARREST THE PERSON NAMED ABOVE AND BRING THAT
PERSON BEFORE A JUDGE OR MAGISTRATE OF THIS COURT TO ANSWER THE CHARGES
AGAINST THAT PERSON AND HAVE WITH YOU THEN AND THERE THE WARRANT OF ARREST
WITH YOUR RETURN THEREON. IF A JUDGE OF MAGISTRATE OF THIS COURT IS
UNAVAILABLE, OR IF THE ARREST IS MADE IN ANOTHER COUNTY, YOU SHALL TAKE
THE ACCUSED PERSON BEFORE THE NEAREST OR MOST ACCESSIBLE JUDGE OF
MAGISTRATE IN THE COUNTY OF ARREST.

BOND SET AT: \$250,000.00

DATE ISSUED: 01/17/2002

CLERK

BY JBS

EXECUTED THIS 18 DAY OF January, 2002, BY
ARRESTING THE WITHIN NAMED DEFENDANT Jerry Eugene Whitley

LAW ENFORCEMENT OFFICER 553

BY:

DEFENDANT'S FEATURES:

HT: 5'06" HAIR: BRO DOB: 09/20/1965

WT: 145 SEX: M EYE: BRO RACE: W
SSN: 259177161

ADDTL COMMENTS: _____

01/17/2002 JDS

State of Alabama
Unified Judicial SystemAFFIDAVIT OF SUBSTANTIAL
HARDSHIP AND ORDERForm C-10
Page 1 of 2

Rev. 2/95

CC-02-186-188

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)STYLE OF CASE: State of Alabama v. Jerry E. Whitley
Plaintiff(s) Defendant(s)TYPE OF PROCEEDING: Criminal CHARGE(s) (if applicable): Trafficking/Pass.

- ☐ CIVIL CASE-- I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- ☐ CIVIL CASE-- (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the court appoint one for me.
- ☒ CRIMINAL CASE-- I am financially unable to hire an attorney and request that the court appoint one for me.
- ☐ DELINQUENCY/NEED OF SUPERVISION-- I am financially unable to hire an attorney and request that the court appoint one for my child/me.

AFFIDAVIT

SECTION I.

1. IDENTIFICATION

Full name Jerry E. Whitley Date of birth 9/20/65

Spouse's full name (if married) N/A

Complete home address N/A

Number of people living in household N/A

Home telephone number N/A

Occupation/Job mechanic Length of employment _____

Driver's license number LE Social Security Number _____

Employer Hear Seigler Contr. Employer's telephone number 1-800-999-1770

Employer's address Oklahoma City, OK

2. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)

☐ AFDC ☐ Food Stamps ☐ SSI ☐ Medicaid ☐ Other _____

3. INCOME/EXPENSE STATEMENT

Monthly Gross Income:

Monthly Gross Income \$ 0

Spouse's Monthly Gross Income (unless a marital offense) _____

Other Earnings: Commissions, Bonuses, Interest Income, etc. _____

Contributions from Other People Living in Household _____

Unemployment/Workmen's Compensation, Social Security, Retirements, etc. _____

Other Income (be specific) _____

TOTAL MONTHLY GROSS INCOME

Monthly Expenses:

A. Living Expenses

Rent/Mortgage _____

Total Utilities: Gas, Electricity, Water, etc. _____

Food _____

Clothing _____

Health Care/Medical _____

Insurance _____

Car Payment(s)/Transportation Expenses _____

Loan Payment(s) _____

*OPTIONAL

Form C-10 Page 2 of 2 Rev. 2/95

AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

Monthly Expenses: (cont'd page 1)

Credit Card Payment(s)
Educational/Employment Expenses
Other Expenses (be specific) _____

Sub-Total

B. Child Support Payment(s)/Alimony

Sub-Total

C. Exceptional Expenses

TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only)

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME

4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit)
Equity in Real Estate (value of property less what you owe)
Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe)
Other (be specific)
Do you own anything else of value? ☐ Yes ☐ No
(land, house, boat, TV, stereo, jewelry)
If so, describe _____

TOTAL LIQUID ASSETS

5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

5th day of March, 2002
Judge/Clerk/Notary _____
my commission expires 7/2003

Affiant's Signature

Print or Type Name

ORDER OF COURT

SECTION II.

IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:

- ☐ Affiant is not indigent and request is DENIED.
- ☒ Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ _____ toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows: MUST reimburse \$ off Ala for all legal fees
- ☐ Affiant is indigent and request is GRANTED.
- ☐ The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that L. Farrar is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.

Done this 20th day of Feb, 02.

Judge _____

STATE OF ALABAMA
PLAINTIFF,

VS.

Jerry E. Whitley
DEFENDANT.

) IN THE CIRCUIT COURT OF
) RUSSELL COUNTY, ALABAMA
) CASE NO.: CC 02-186
)
)
)
)

ARRAIGNMENT ORDER

Defendant appeared in open court on this date at which time:

___ The defendant advised the Court that he/she had retained
_____, Attorney at law, to represent him/
her in these proceedings.

✓ The defendant advised the Court that he/she was indigent and
unable to employ counsel to represent him/her in these
proceedings. The Court appointed Laurel Farra
an experienced and competent attorney, to represent him/her in
these proceedings.

___ Arraignment is continued to _____ at _____ A.M.

___ The defendant applied for youthful offender status. Ruling on
said application was set for March 12, 2002 at 2:00 P.M.

✓ The defendant filed a written waiver or waived the reading of
the indictment and entered a plea of not guilty to the offense
charged therein.

___ The Court ordered an alias writ and preliminary forfeiture for
the defendant's failure to appear in Court.

✓ Plea deadline and docket call are set for April 9, 2002 at
10:00 A.M.

✓ This case is scheduled for trial docket of May 13, 2002.

___ The defendant shall pay the sum of \$ _____ per week/month
towards his/her attorney's fees. Payments to begin _____.

DONE this the 20th day of February, 2002.

Laurel Farra
JUDGE, CIRCUIT COURT

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

vs.

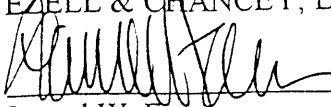
JERRY E. WHITLEY,
Defendant.CRIMINAL CASE NUMBER
CC-02-186-188MOTION FOR APPROVAL OF EXPENSES

Comes now JERRY E. WHITLEY, defendant in the above-stated matter, and respectfully shows the Court as follows:

1. Laurel W. Farrar was appointed by the Court on February 20, 2002, to represent the defendant in this matter.
2. The Alabama Court of Criminal Appeals held in *May v. State* that office overhead expenses constitute "expenses reasonably incurred" and are, therefore, reimbursable under Code of Alabama 1975, §15-12-21. Under *Ex Parte Barksdale*, 680 So.2d 1029 (1996), office overhead expenses must be approved by the Trial Court prior to being incurred. In the alternative, under the provisions of said Code Section 15-12-21(d), the Trial Court has the discretion to approve such expenses.

3. Laurel W. Farrar's employer, Ezell & Chancey, LLP, has informed her that her portion of the office overhead is estimated to be \$80,000.00 per year.

WHEREFORE, movant moves this Court to approve payment of office overhead expenses to Laurel W. Farrar in the amount of \$38.46 per hour (\$80,000.00 ÷ 2080).

EZELL & CHANCEY, LLP
 By: 
 Laurel W. Farrar
 Attorneys for Defendant
 P. O. Drawer 2500
 Phenix City, AL 36868-2500
 (334) 297-2400
 Attorney Code FAR-036

FILED IN OFFICE
 2002 FEB 22 PM 3:31
 CRIMINAL DIVISION
 RUSSELL CO., AL.

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

vs.

JERRY E. WHITLEY,
Defendant.CRIMINAL CASE NUMBER
CC-02-186-188REQUEST FOR DISCOVERY

Comes now the defendant in the above-styled cause, by and through defendant's attorney of record, and pursuant to Rules 16.1 and 16.3 of the Alabama Rules of Criminal Procedure, requests the Russell County District Attorney to provide the following-described discovery:

1. To permit the defendant to inspect, examine and copy any written or recorded statements made by the defendant to any law enforcement officer, official or employee which are in the possession, custody or control of the State and/or the existence of which is known to the District Attorney.
2. To disclose the substance of any oral statements made by the defendant before or after arrest to any law enforcement officer, official or employee which the State intends to offer in evidence at the trial of the defendant.
3. To permit the defendant to inspect and copy any written or recorded statement which the State of Alabama intends to offer into evidence at the trial of any co-defendant or accomplice, whether charged or indicted or not, which are in the possession, custody or control of the State of Alabama, the existence of which is known to the District Attorney.
4. To disclose any "deal," "settlement," "agreement," "bargain" or "arrangement" not to prosecute or for a reduced or lesser charge or offense which the State of Alabama has reached or concluded with any accomplice or co-defendant, whether charged or indicted or not.

5. To disclose to the defendant any written or oral statement made by a co-defendant or accomplice, either before or after arrest, to any law enforcement officer, official or employee, which the State of Alabama intends to offer as evidence in this cause.

6. To permit the defendant to analyze, inspect and copy or photograph books, papers, documents, photographs, tangible objects, controlled substances or portion of any of these things which are in the possession, custody or control of the State and:

- a. which are material to the preparation of the defendant's defense;
- b. which are intended for use by the State as evidence at the trial of the defendant; or
- c. which were obtained from or belonged to the defendant.

7. To disclose to and provide the defendant with any and all exculpatory evidence known to the District Attorney and in the possession, custody and control of the State of Alabama.

8. To permit the Defendant to inspect and copy any results or reports of physical and mental examinations or scientific tests, experiments or analyses made in connection with this particular case and the results or reports, whether written or oral, and whether the results or reports are in the possession, custody or control of the State and/or the existence of which is known to the District Attorney or the State of Alabama or any of its agencies, officers, agents or employees.

9. To furnish to the defendant copies of any and all medical documents, x-rays, emergency room, hospital, paramedical, physician's or nurse's notes, reports, writings, opinions, test results or other like or similar documents known to the District Attorney and which the District Attorney intends to offer into evidence in the trial of this cause.

10. To disclose any and all items and matters of evidence, information and data that are in existence and known to the State, whether such information and evidence were heretofore in this or any other motion, that may be materially favorable to the defendant in either a direct or impeaching manner within the contest of *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963), and under the Alabama Rules of Criminal Procedure.

11. To continue to furnish or disclose to the defendant any and all evidence which is allowed to be furnished under the standing Order of the Court.

EZELL & CHANCEY, LLP

By: 

Laurel W. Farrar

Attorneys for Defendant

1200 8th Avenue

P. O. Drawer 2500

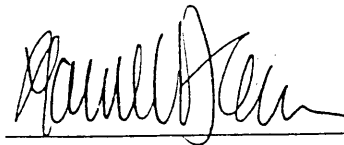
Phenix City, AL 36868-2500

(334) 297-2400

Attorney Code FAR-036

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing Request for Discovery upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 20th day of February, 2002.

A handwritten signature in black ink, appearing to read "Laurel W. Farrar", written over a horizontal line.

Laurel W. Farrar

000023

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

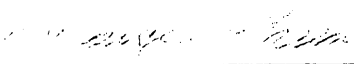
STATE OF ALABAMA,
Plaintiff,CRIMINAL CASE NUMBER
CC-02-186-188

vs.

JERRY E. WHITLEY,
Defendant.**ORDER ON DEFENDANT'S REQUEST FOR DISCOVERY**

Defendant's Request for Discovery having been filed in the above-styled cause pursuant to Rule 16 of the Alabama Rules of Criminal Procedure, the District Attorney of Russell County, Alabama is hereby ordered to produce and disclose information and materials discoverable under the authority of *Brady v. Maryland* and Rule 16 of the Alabama Rules of Criminal Procedure.

SO ORDERED, this 20th day of February, 2002.



Honorable George Greene
Judge, Russell County Circuit Court

FILED IN OFFICE
2002 FEB 26 PM 2:33
CIRCUIT / DIST. COURT
RUSSELL CO., AL

STATE OF ALABAMA

VS.

JERRY WHITLEY

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*
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*

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186-188

MOTION FOR CONSOLIDATION OF OFFENSES

The State moves the Court for an order that the above actions be tried together, upon the ground that the alleged offenses charged against the defendant in the indictment in each of said actions could have been joined as a single indictment under Rule 13 of the Alabama Rules of Criminal Procedure in that they are:

1. Of the same or similar character; or
2. Based on the same conduct or are otherwise connected in their commission; or
3. Alleged to have been part of a common scheme or plan.

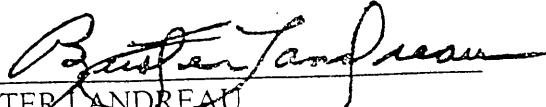
By trial together of said actions, the expense of and time consumed in trial will be materially

reduced.

FILED IN OFFICE

2002 FEB 27 PM 2:53

CIRCUIT / DIST. COURT
RUSSELL CO., AL


BUSTER LANDREAU
CHIEF DEPUTY DISTRICT ATTORNEY
26TH JUDICIAL CIRCUIT
LAN 034

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the forgoing Motion upon the Hon. LAUREL FARRAR Attorney for the Defendant by placing a copy of the same in a receptacle reserved in his name in the office of the Circuit Clerk of Russell County

Done this 27TH Day of FEBRUARY, 2002.


BUSTER LANDREAU

Motion granted in open ct.

STATE OF ALABAMA

VS.

JERRY WHITLEY

*
*
*
*
*

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186-188

MOTION FOR DISCOVERY

Comes now the State of Alabama by and through its District Attorney, Kenneth Davis and moves the Court pursuant to Rule 16.2 of the Alabama Rules of Criminal Procedure to issue an order directed to Hon. **LAUREL FARRAR** Counsel for Defendant, to-wit:

1. To permit the State to analyze, inspect, and copy or photograph books, papers, documents, photographs, audio tapes, video tapes, tangible objects, buildings or places, or portions of any of these things, which are within the possession custody, or control of the Defendant and which the Defendant intends to introduce in evidence at the trial.

2. To permit the State to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with this particular case, which are within the possession or control of the Defendant and which he intends to introduce in evidence at the trial or which were prepared by a witness whom the Defendant intends to call at the trial, if the results or reports relate to the witness's testimony.

3. To produce and permit the State to inspect and copy the names and addresses of qualified mental health professionals who have personally examined the Defendant or any evidence in this case, as well as the results of or reports of mental examinations, scientific tests, experiments or comparisons and statements made by such professionals.

FILED IN OFFICE
02 FEB 27 PM 2:59
CLERK / DIST. COURT
RUSSELL CO., AL

STATE OF ALABAMA

vs.

JERRY WHITLEY

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186-188

NOTICE OF COMPLIANCE WITH DISCOVERY REQUEST

TO: LAUREL FARRAR

FROM: Buster Landreau

DATE: February 27, 2002

You filed a Motion for Discovery in the above-styled case(s). The materials to which you are entitled under Rule 16 of the Alabama Rules of Criminal Procedure and **Brady** are ready and available for you to pick up. This case was assigned to me so the material is being kept by me in my office. You will need to sign for this when you pick it up, so if I am not available, you can simply ask Randi Milner or Deborah Kimber and they know where the material is located. If any audio or video discovery exists, you must make an appointment with me to view the item or have a copy made.

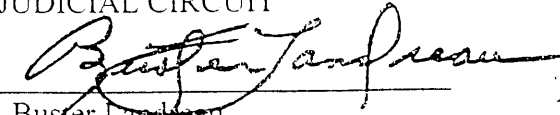
FILED IN OFFICE
2002 FEB 27 PM 2:59
CIRCUIT / DIST. COURT
RUSSELL CO., AL

000027

Done this 27TH Day of February, 2002.

KENNETH DAVIS
DISTRICT ATTORNEY
26TH JUDICIAL CIRCUIT

BY:

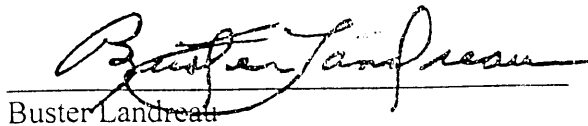


Buster Landreau
Chief Deputy District Attorney
LAN 034

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion for Discovery upon the Hon. **LAUREL FARRAR**, Counsel for the Defendant, by placing the same in a receptacle reserved in his/her name in the Office of the Clerk of the Circuit Court of Russell County, Alabama.

This the 27th Day of February, 2002.


Buster Landreau

STATE OF ALABAMA,
PLAINTIFF,

v

JERRY WHITLEY

DEFENDANT.

) IN THE CIRCUIT COURT OF
)
) RUSSELL COUNTY, ALABAMA
)
) CASE NO. CC 02-186-188
)
)

000028


O R D E R

The State of Alabama, by and through its District Attorney, has filed a motion for discovery in the above case. Upon consideration of the motion, it is **ORDERED** by the Court that the Defendant shall:

1. Permit the District Attorney to analyze, inspect, and copy or photograph books, papers, documents, photographs, tangible objects, buildings or places, or portions of any of these things, which are within the possession, custody or control of the defendant and which the defendant intends to introduce in evidence at the trial.

2. Permit the District Attorney to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, which are within the possession or control of the defendant and which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at trial, if the results or reports relate to the witness's testimony.

DONE this 28th day of February, 2002.


George R. Greene, Circuit Judge

RECORDED
RUSSELL CO. AL

2002 FEB 28 PM 4:23

FILED IN OFFICE

000029

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

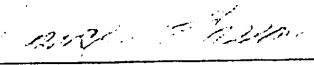
vs.

JERRY E. WHITLEY,
Defendant.CRIMINAL CASE NUMBER
CC-02-186-188**ORDER ON MOTION FOR APPROVAL OF EXPENSES**

Upon consideration of the Motion for Approval of Expenses filed by the attorney for the defendant in the above-stated cause, the Court is of the opinion that the same is due to be granted.

IT IS, THEREFORE, ORDERED that the Comptroller for the State of Alabama reimburse Laurel W. Farrar, at the conclusion of her representation of the defendant at the trial court level, the sum of \$38.46 per hour for each hour committed to such representation.

SO ORDERED, this 20th day of February, 2002.



Honorable George Greene
Judge, Russell County Circuit Court

FILED IN OFFICE
DIRECTOR/CLERK, COURT
RUSSELL CO., AL

2002 MAR - 1 PM 2:45

000030

IN THE DISTRICT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,)	CRIMINAL CASE NUMBER
Plaintiff,)	DC -02-186, 187 and 188
)	CC
vs.)	
)	
JERRY E. WHITLEY,)	
Defendant.)	

MOTION FOR REDUCTION OF BOND

Pursuant to the Alabama Rules of Criminal Procedure, the defendant respectfully moves this Court to reduce the bond set in the above-styled case to a reasonable amount. As grounds for this motion, defendant states:

1. The defendant's bond is set at \$250,000.00 for the charge of Trafficking Methamphetamine, \$20,000.00 for the charge of Possession of a Controlled Substance, and \$1,000.00 for the charge of Resisting Arrest, for a total of \$271,000.00. The defendant is unable to post the bond as presently set. Accordingly, at this time, the defendant is incarcerated at the Russell County Jail.

2. The aforesaid amount of bond set in this cause is excessive in violation of the constitutional proscription against excessive bail guaranteed to the defendant by Section 16 of the Declaration of Rights of the Alabama Constitution and the Eighth and Fourteenth Amendments to the United States Constitution.

WHEREFORE, defendant respectfully moves that his bond be reduced to a reasonable amount, this 1st day of March, 2002.

EZELL & CHANCEY, LLP

By: 

Laurel W. Farrar


Attorneys for Defendant

P. O. Drawer 2500

Phenix City, AL 36868-2500

(334) 297-2400

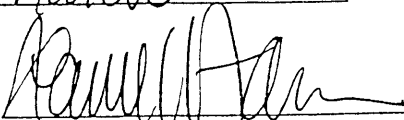
Attorney Code FAR-036

3/5/02 - Motion denied


FILED IN OFFICE
 2002 MAR - 4 AM 11:00
 DISTRICT COURT
 RUSSELL COUNTY, AL

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing MOTION FOR REDUCTION OF BOND upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 1st day of March, 2002.



Laurel W. Farrar